

**UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE: MILTON A. ORTIZ
AKA: MILTON ANTONIO ORTIZ,
MILTON ORTIZ, AREOBO A. ORTIZ,
AREOBO A. ORTIZ PUJOLS

CHAPTER 13

Debtor(s)

CHARLES J. DEHART, III
CHAPTER 13 TRUSTEE

Movant

vs.

CASE NO: 5-15-01354-JJT

MILTON A. ORTIZ
AKA: MILTON ANTONIO ORTIZ,
MILTON ORTIZ, AREOBO A. ORTIZ,
AREOBO A. ORTIZ PUJOLS

Respondent(s)

TRUSTEE'S MOTION TO DISMISS CASE

AND NOW, on October 25, 2017, comes Charles J. DeHart, III, Standing Chapter 13 Trustee, by and through his attorney Agatha R. McHale, Esquire, and respectfully represents the following:

1. An Amended Plan was filed on December 7, 2015.
2. A Confirmation hearing was held and an Order was entered on May 26, 2016 directing that an amended plan be filed within thirty (30) days.
3. As of the date of this Motion, an amended plan has not been filed.
4. The delay in filing a confirmable plan in this case is prejudicial to creditors.

WHEREFORE, your Trustee respectfully requests your Honorable Court dismiss the case upon the basis that Debtors have failed to propose a confirmable Plan.

Respectfully submitted,

s/ Agatha R. McHale, Esq.

Id: 47613

Attorney for Trustee

Charles J. DeHart, III

Standing Chapter 13 Trustee

Ste. A, 8125 Adams Drive

Hummelstown, PA 17036

Ph. 717-566-6097

Fax. 717-566-8313

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NOTICE

NOTICE IS HEREBY GIVEN that Charles J. DeHart, III, Standing Chapter 13 Trustee for the Middle District of Pennsylvania has filed a Motion to Dismiss for failure to file a confirmable Chapter 13 Plan.

YOU ARE HEREBY NOTICED that a hearing has been scheduled on this matter for:

U.S. Bankruptcy Court Max Rosenn U.S. Courthouse Courtroom #2 197 S. Main Street Wilkes Barre, PA	Date: December 5, 2017 Time: 09:35 AM
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Any objection or response filed must be filed with the Clerk, U.S. Bankruptcy Court and served on the Chapter 13 Trustee.

Charles J. DeHart, III, Trustee
8125 Adams Drive, Suite A
Hummelstown, PA 17036
Phone: (717) 566-6097
Email: dehartstaff@pamd13trustee.com

Dated: October 25, 2017

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IN MILTON A. ORTIZ
RE: AKA: MILTON ANTONIO
 ORTIZ, MILTON ORTIZ,
 AREOBO A. ORTIZ,
 AREOBO A. ORTIZ PUJOLS

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CHARLES J. DEHART, III
CHAPTER 13 TRUSTEE
Movant

CERTIFICATE OF SERVICE

AND NOW, on October 25, 2017, I, Vickie Williams, hereby certify that I served a copy of the Trustee's Motion to Dismiss, Notice, and Proposed Order either electronically or by depositing a true and correct copy of the same in the United States Mail at Hummelstown, Pennsylvania, first class mail, postage prepaid, addressed to the following:

TULLIO DeLUCA, ESQUIRE
381 N 9TH AVENUE
SCRANTON, PA 18504-

MILTON A. ORTIZ
620 PUTNAM ST.
WEST HAZLETON, PA 18202

Respectfully Submitted,
s/ Vickie Williams
for Charles J. DeHart, III, Trustee
8125 Adams Drive, Suite A
Hummelstown, PA 17036
Phone: (717) 566-6097
Email: dehartstaff@pamd13trustee.com

Dated: October 25, 2017

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ORDER DISMISSING CASE

Upon consideration of the Trustee's Motion to Dismiss, it is hereby Ordered that the above-captioned bankruptcy be and hereby is dismissed.